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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,968	07/10/2001	Zan Gullickson	115.9	8217

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

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DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/807,968

Applicant(s)

Gullickson et al

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jul 10, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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1. The references cited in the Search Report PCT/CA99/01000 have been considered, but will not (unless cited by the examiner on form PTO-892) be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the references printed on such resulting patent, a separate listing, preferably on a PTO-1449 form, must be filed within the set period for reply to this Office action.

Applicant is advised that the date of any submission of any item in the Search Report in an information disclosure statement will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 C(1).

*Drawings*

2. The drawings are objected to because:

- a. It is not clear why, in Fig. 3, the shoulders 52 of shear bolt 50 are each drawn with a C-shaped cross section surrounding a flat side 54.
- b. Fig. 4 does not include a line 1-1 as described on page <sup>3</sup>4, line 24.
- c. Reference numerals 24 & 30 appear in Figs. 1 & 3 but are not mentioned in the specification.

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3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Specification*

4. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the detailed description fails to provide proper antecedent basis for the following claimed subject matter:

- a. Claim 2: "slidably engage said coupling member in a desired orientation"
- b. Claim 5: all limitations therein.

*Claim Objections*

5. Claims 4, 7 & 11 are objected to because:
- a. Claim 4, line 4, "center" is misspelled.
  - b. Claim 7, line 1, "an shaped" should be changed to "a shaped".
  - c. Claim 11, line 3, "centerline" is misspelled.

*Claim Rejections - 35 U.S.C. § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4-7 & 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown, US 1,574,466. Figs. 1-3 show a shear bolt coupling assembly comprising: a first coupling member 10 with a first radially extending flange 10; a second coupling assembly 11 located coaxially with the first coupling member 10 and having a second radially extending flange 11; and an elongate shear bolt 15 (see also page 1, line 82) having a first portion 15c forming a shear area of a given shear strength, a second portion 15d on each side of the first portion 15c forming a shoulder 15d of larger diameter than the first portion 15c for abutting each of the first and second flanges 10 & 11 to provide a desired clearance therebetween, and a third shaped portion 15a extending from each shoulder 15d adapted to receive a fastening member 15b to secure the shear bolt 15 with the first and second flanges 10 & 11, thereby securely connecting the first and second coupling members 10 & 11. Fig.1 shows a washer element with an aperture inserted on each end 15a of shear bolt 15.

8. Claims 1, 2, 4-7 & 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Strizki, US 5,596,845. Fig. 3 shows a shear bolt 22 for joining coupling members comprising: an elongate core element 22 having a first portion 74 forming a shear area of a given shear strength, a second portion on each side of the first portion 74 forming a shoulder 50, 76 of larger diameter

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than the first portion 74 adapted to provide a desired clearance between opposed coupling members, and a third shaped portion 52, 70 extending from each shoulder 50, 76 adapted to receive a fastening member 62, 68 to secure the shear bolt 22 with the coupling members. Figs. 1 & 2 show a washer element 86, 20 with an aperture inserted on each end of shear bolt 22. The location of the aperture in the washer may be changed to alter the radial spacing of the bolt 22 from the radial center of the coupling members.

9. Claims 1, 2, 6 & 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dinitz et al, US 5,474,408.

10. Claims 1, 2, 6, 7 & 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dent, US 4,923,319.

*Claim Rejections - 35 U.S.C. § 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 3, 8 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Glitsch, US 2,52,217. Brown shows the third shaped portion 15a of shear bolt 15 in the slots 10c & 11c in the flanges 10 & 11, but does not show radially opposed planar surfaces on the third shaped portion 15a. In col. 1, lines 42-46, Glitsch teaches making a bolt with a shaped portion having radially opposed planar surfaces in order to provide the bolt with a means to snugly fit within a slot. It would have been obvious to one of ordinary skill in the art to modify the shear bolt 15 of Brown by making the third shaped portion 15a with radially opposed planar surfaces in order to provide the bolt 15 with a means to snugly fit within slots 10c & 11c as taught by Glitsch.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Grauel, US 1,704,939. In Fig. 1 Brown shows a washer element having an opening inserted on the third portion 15a of shear bolt 15 but does not show the washer adapted to register with a correspondingly shaped recess in a respective flange 10 or 11. On page 1, lines 1-7 and 64-79, Grauel teaches providing a bolt with a washer element 5 having an opening 6 such that the washer 5 is adapted to register with a correspondingly shaped recess 3, 4 in a respective flange 1 in order to provide a means for adjusting the radial spacing of the bolt. It would have been obvious to one of ordinary skill in the art to modify the assembly of Brown by providing the shear bolt with a washer adapted to register with a correspondingly shaped recess in a respective flange 10 or 11 in order to provide a means for adjusting the radial spacing of the bolt as taught by Grauel.

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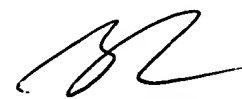
*Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wall et al shows a shear bolt assembly. Tandy and Hartsough each a washer element.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Tuesday through Friday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 (before final), (703) 872-9327 (after final) and (703) 872-9325 (customer service).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
Greg Binda  
Patent Examiner